

05/01/01  
J1033 U.S. PTO  
09/847711

95-03-01

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of		<b>PATENT APPLICATION FILING</b>	
Inventor(s):	ONCHUEN (DARYN) LAU et al.	Art Unit:	Not-yet-assigned
SC/Serial No.:	Not-yet-assigned	Examiner:	Not-yet-assigned
Filed:	Herewith	Customer No.:	<u>23910</u>
Title: MULTISERVICE SWITCHING SYSTEM WITH DISTRIBUTED SWITCH FABRIC		Attorney Docket:	<u>ZETTA-01001US0</u>
Patent Term Adjust Info			
PTO Mailed Date: <u>N/A</u>		PTO Effective Receipt Date:	

J1033 U.S. PTO  
09/847711  
05/01/01

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL069960197US  
Date of Mailing: May 1, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Janet G. Moore (Signature)  
Janet G. Moore  
Signature Date: May 1, 2001

NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER  
UNDER 37 C.F.R. §1.53(b)

Box PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This filing is summarized by the following **Table of Contents:**

<input checked="" type="checkbox"/>	Section I:	Identification of hardcopy <b>PAPERS</b> and/or electronic documents included herewith for initially <b>forming the presently submitted Non-Provisional Patent Application</b> . . . . .	2
<input type="checkbox"/>	Section II:	Identification of earlier-filed applications and/or claims of priority to dates thereof which inure to <b>BENEFIT</b> of the presently submitted application and <b>FIRST SENTENCE</b> Amendments . . . . .	X
<input checked="" type="checkbox"/>	Section III:	<b>PRE-GRANT PUBLICATION</b> information including optional <b>OPT-OUT CERTIFICATION</b> per 37 CFR §1.213 . . . . .	3
<input checked="" type="checkbox"/>	Section IV:	<b>Amendments</b> (other than First Sentence ones) to initially formed and presently submitted application . . . . .	3

☒ Section V: Additional submissions and/or requests . . . . . 3

Legend: ☒ or ☒ means used or picked or provided  
☐ or ☐ means \*not\* used / \*not\* picked / \*not\* provided

<b>SECTION I:</b>	<b>IDENTIFICATION OF HARDCOPY PAPERS AND/OR ELECTRONIC DOCUMENTS INCLUDED HERewith FOR INITIALLY FORMING THE PRESENTLY SUBMITTED, NON-PROVISIONAL APPLICATION (NPA)</b>
-------------------	---

Transmitted herewith for filing as a non-provisional patent application pursuant to 37 C.F.R. §1.53(b) are papers and/or electronic submissions identified as follows:

- ☒ No. of Pages of **Specification** = 145, which pages include an Abstract and 35 Claims (at least one).
- ☒ No. of Sheets of **Drawings** = 12, which sheets are:  
Informal ☐; Publication-Quality ☒; Formal: ☐.
- ☒ (A) ☒ Submission of originally-signed **Declaration** with number of pages (counting all counterpart versions if any) = 6.  
--OR--  
(B) ☐ Submission of an originally-signed Declaration *is excused* because a copy is being submitted pursuant to 37 CFR §1.63(d)(1) of an earlier-filed Declaration from another application as detailed in below Section II.
- ☒ **Fee** is being concurrently paid by check or otherwise if box is checked.

The above-identified papers and/or electronic submissions are further identified by one or more of the following, invention-related and/or attorney-related attributes:

Title: *Multiservice Switching System With Distributed Switch Fabric*

Inventor(s): (1) Onchuen (Daryn) Lau, (2) Chris D. Bergen, (3) Robert J. Divivier, (4) Gene K. Chui, (5) Christopher I.W. Norrie, (6) Matthew D. Ornes, (7) King-Shing (Frank) Chui

Attorney Docket No: ZETTA-01001US0GGG  
Electronic File Name(s): N/A  
Other: N/A

**SECTION II:****IDENTIFICATION OF EARLIER-FILED APPLICATIONS AND/OR CLAIMS OF PRIORITY BASED THEREON WHICH PRIORITY DATES INURE TO BENEFIT OF THE PRESENTLY SUBMITTED APPLICATION**

Pursuant to 37 C.F.R. §1.78, the following Provisional (PPA) and/or Nonprovisional (NPA) and/or international (e.g. PCT) ones of, effectively Copending, Prior-Filed Complete Application(s), if any, are respectively identified *at least by series code and serial number* and international application number and filing date as follows: **NONE**

**SECTION III:****Pre-grant Publication information including optional  
OPT-OUT CERTIFICATION**

For applications filed on or after November 29, 2000:

☒ **Preclusion from pre-grant publication is hereby requested** and a rescindable certification pursuant to 35 USC §122(b) is hereby made that the invention claimed and disclosed in the present application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publications of applications 18 months after filing.

--AND/OR--

☒ Preclusion from pre-grant publication is requested in an accompanying PTO Form PTO/SB/35 or a substantially similar such form (FDML 111.001) and is signed in compliance with 37 CFR §1.33(b).

\_\_\_\_\_ Early pre-grant publication is hereby requested pursuant to 37 CFR §1.219 and the publication fee set forth in 37 CFR §1.18(d) accompanies this request.

--OR--

\_\_\_\_\_ Applicant has no objection to pre-grant publication of this application pursuant to 37 CFR §1.211.

**SECTION IV:****Amendments (other than First Sentence ones) to the here initially formed and presently submitted application:**

☒ **A PRELIMINARY AMENDMENT** is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added should be consecutively numbered beginning with next number after highest number in the enclosed application papers.)

**SECTION V:****Additional submissions and/or requests:**

**Pre-emptive Provisional Election of Restrictable Claims and/or Restrictable Species**

In the event that the U.S. PTO deems a restriction requirement to be necessary and identifies two or more electable groups of claims and requires Applicant to elect one such group, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the group which includes Claim 3.

In the event that the U.S. PTO deems an election among species to be necessary, and identifies two or more electable species or subspecies by pointing to respectively referenced items in the drawings, and requires Applicant to elect one of such identified species or subspecies, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the species or subspecies which includes element 514 of Fig. 5A.

If neither of said election of claims or election of species is made a requirement by the U.S. PTO in its initial examination, then the above pre-emptive elections are to be treated as if they had not been made. If any of the above pre-emptive elections do not make sense given the context of the election requirements made by the U.S. PTO, then such a pre-emptive election by Applicant is to be deemed as not having been made.

#### Petition for Extension of Time to Respond

\_\_\_\_\_ No extension of time is required for maintaining the copendency of each of the above-identified, Immediate Parents.

\_\_\_\_\_ Pursuant to 37 C.F.R. §1.136(a), enclosed is/are Petitions for Extension of Time for maintaining the copendency of the corresponding Immediate Parent(s) up through and including today, together with the fee(s) set by 37 C.F.R. §1.17. (If such papers/fees are inadvertently missing, then this section, if checked, is to be treated as a request for such extensions as necessary to maintain copendency and authorization to charge the below-identified Deposit Account for such fees.)

#### Power of Attorney

\_\_\_\_\_ A power of attorney appears in Immediate Parent (#1).

\_\_\_\_\_ A new power of attorney is submitted herewith.

#### Assignment

\_\_\_\_\_ Immediate Parent (#1) is assigned of record to:

☒ An assignment of the invention to:  
ZettaCom, Inc. is submitted herewith, together with an ASSIGNMENT RECORDATION FORM COVER SHEET and recordal fee of \$40.00.

### Small Entity Statement

\_\_\_\_\_ Statement(s) claiming small entity status is (are) submitted herewith.

\_\_\_\_\_ Statement(s) claiming small entity status was (were) filed in the parent application Serial No. \_\_\_\_\_, on \_\_\_\_\_ and its (their) benefit under 37 C.F.R. § 1.28(a) is (are) hereby claimed.

### Also Enclosed Are:

  ✓   An Information Disclosure Statement under 37 C.F.R. § 1.56.

### Filing Fee

The application filing fee is calculated as shown below:

No. Filed	No. Extra		Rate Small Entity/ Other Than Small Entity		
Basic Fee			\$345.00 \$690.00	=	\$ 690.00
Total Claims <u>35</u> ** - 20 =	<u>15</u> *	X	\$ 9.00 \$ 18.00	=	\$ 270.00
Independent Claims <u>8</u> ** - 3 =	<u>5</u> *	X	\$ 39.00 \$ 78.00	=	\$ 390.00
First Presentation of Multiple Dependent Claim(s) _____			\$130.00 \$260.00	=	\$
Total PATENT APPLICATION FILING FEE:					\$1,350.00

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

### Method of Payment of Fees

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$1,350.00
Net fee for extension of time (See attached petition)	\$
Assignment recordal fee (See attached cover sheet)	\$ 40.00
TOTAL FEE DUE:	=====
	\$1,390.00

- ✓ A check in the amount of the TOTAL FEE DUE is enclosed.
- ✓ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A **duplicate** copy of this NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b) form is enclosed.

**Correspondence Address**

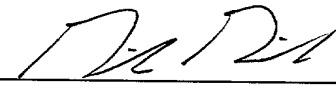
All correspondence should be addressed as follows:

Gideon Gimlan  
FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156

Direct all telephone calls to the undersigned attorney at (408) 748-7300.

Respectfully submitted,

Date: May 1, 2001

By:   
Gideon Gimlan  
Reg. No. 31,955

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
(415) 362-3800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): ONCHUEN (DARYN) LAU et al.

SC/Serial No.: Unknown

Filed: Herewith

Title: MULTISERVICE SWITCHING SYSTEM WITH  
DISTRIBUTED SWITCH FABRIC

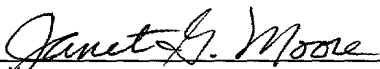
Customer No. 23910

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. §1.10**

"Express Mail" mailing label number EL069960197US

Date of Mailing: May 1, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number

  
\_\_\_\_\_  
Janet G. Moore (Signature)  
Signature Date May 1, 2001

**NON-PUBLICATION REQUEST AND CERTIFICATION**  
**UNDER 35 U.S.C. 122(b)(2)(B)(i)**


Box PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Sir:

Based on information and belief, I hereby certify that the invention disclosed in the application submitted herewith **has not and will not be** the subject of an application filed by the Applicant in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. It is hereby requested that the application submitted herewith **not be published** under 35 U.S.C. 122(b).

Respectfully submitted,

Date: May 1, 2001

By:   
\_\_\_\_\_  
Gideon Gimlan  
Reg. No. 31,955

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800